

**REMARKS**

Claims 1-20 are pending in this application. By this Amendment, claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17 and 18 are amended.

**I. The Claims Satisfy the Requirement of 37 C.F.R §1.75(c)**

The Office Action objects to claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17 and 18 under 37 C.F.R. §1.75(c). The claims are amended to obviate this objection.

**II. Response to Election of Species Requirement**

In reply to the July 26, 2004 Election of Species Requirement, Applicant provisionally elects, Species B, Fig. 6, with traverse.

Furthermore, Applicant respectively asserts that Figs. 2, 6 and 13 are a single species and are all necessary to describe the claimed invention. Fig. 6 shows thickness of the phase plate and the birefringent plate. Fig. 2 schematically illustrates the subject matter of the invention. Therefore, the claimed invention cannot be made if either Fig. 6 or Fig. 2 is elected. Applicant's assert that all claims, 1-20 read on the elected species.

It is also respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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Attachment:  
Petition for Extension of Time

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